

JS 44  
(Rev. 3/99)

## CIVIL COVER SHEET

12 CV 0162  
12 6162

The JS-44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

## I. (a) PLAINTIFFS

BEVERLY MINTON

DEFENDANTS **CORPORAL DALE S. GUYER**  
**AND WARDEN D. EDWARD MCFADDEN AND**  
**CHESTER COUNTY**

(b) COUNTY OF RESIDENCE OF FIRST LISTED PLAINTIFF **MONTGOMERY**  
(EXCEPT IN U.S. PLAINTIFF CASES)

COUNTY OF RESIDENCE OF FIRST LISTED DEFENDANT **CHESTER**  
(IN U.S. PLAINTIFF CASES ONLY)  
NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

(c) ATTORNEYS (FIRM NAME, ADDRESS, AND TELEPHONE NUMBER)

**ALAN E. DENENBERG, ESQUIRE**  
**ABAMSON & DENENBERG, P.C.**  
**1315 WALNUT ST. 12TH FL.**  
**PHILA., PA. 19107 (215) 546-1345**

UNKNOWN

## II. BASIS OF JURISDICTION (PLACE AN "X" IN ONE BOX ONLY)

- ☐ 1 U.S. Government Plaintiff  
☐ 2 U.S. Government Defendant  
☒ 3 Federal Question (U.S. Government Not a Party)  
☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

## III. CITIZENSHIP OF PRINCIPAL PARTIES (PLACE AN "X" IN ONE BOX FOR PLAINTIFF AND ONE BOX FOR DEFENDANT)

- Citizen of This State ☒ PTF ☒ DEF  
Citizen of Another State ☐ 2 ☐ 2  
Citizen or Subject of a Foreign Country ☐ 3 ☐ 3  
Incorporated or Principal Place of Business in This State ☐ 4 ☐ 4  
Incorporated and Principal Place of Business in Another State ☐ 5 ☐ 5  
Foreign Nation ☐ 6 ☐ 6

## IV. NATURE OF SUIT (PLACE AN "X" IN ONE BOX ONLY)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 150 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 196 Contract Product Liability	<b>PERSONAL INJURY</b> <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 360 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <b>PERSONAL INJURY</b> <input type="checkbox"/> 382 Personal Injury - Med. Malpractice <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability <b>PERSONAL PROPERTY</b> <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 395 Property Damage Product Liability	<input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 88 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs. <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other <b>LABOR</b> <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret Inc. Security Act	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 <b>PROPERTY RIGHTS</b> <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark <b>SOCIAL SECURITY</b> <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) <b>FEDERAL TAX SUITS</b> <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS - Third Party 26 USC 7609	<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce/ICC Rates/etc <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes <input type="checkbox"/> 890 Other Statutory Actions
<b>REAL PROPERTY</b> <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	<b>CIVIL RIGHTS</b> <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input checked="" type="checkbox"/> 440 Other Civil Rights	<b>PRISONER PETITIONS</b> <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> HABEAS CORPUS: <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition		

## V. ORIGIN

(PLACE AN "X" IN ONE BOX ONLY)

- ☒ 1 Original Proceeding  
☐ 2 Removed from State Court  
☐ 3 Remanded from Appellate Court  
☐ 4 Reinstated or Reopened  
☐ 5 Transferred from another district (specify)  
☐ 6 Multidistrict Litigation  
☐ 7 Appeal to District Judge from Magistrate Judgment

## VI. CAUSE OF ACTION

(CITE THE U.S. CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE BRIEF STATEMENT OF CAUSE. DO NOT CITE JURISDICTIONAL STATUTES UNLESS DIVERSITY.)

28 U.S.C. §§1331 AND 1343

## VII. REQUESTED IN COMPLAINT:

CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23 ☐

DEMAND \$

EXCESS OF \$150,000.00

CHECK YES only if demanded in complaint:

JURY DEMAND:

☒ YES ☐ NO

## VIII. RELATED CASE(S) IF ANY

NONE

JUDGE

DOCKET NUMBER

DATE

10/31/12

SIGNATURE OF ATTORNEY OF RECORD

OCT 31 2012

FOR OFFICE USE ONLY

**WY**

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**CASE MANAGEMENT TRACK DESIGNATION FORM**

**BEVERLY MINTON**

CIVIL ACTION

v.

**CORPORAL DALE S. GUYER,  
WARDEN D. EDWARD MCFADDEN AND  
CHESTER COUNTY**

**12 6162**  
NO.

In accordance with the Civil Justice Expense and Delay Reduction Plan of this court, counsel for plaintiff shall complete a Case Management Track Designation Form in all civil cases at the time of filing the complaint and serve a copy on all defendants. (See § 1:03 of the plan set forth on the reverse side of this form.) In the event that a defendant does not agree with the plaintiff regarding said designation, that defendant shall, with its first appearance, submit to the clerk of court and serve on the plaintiff and all other parties, a Case Management Track Designation Form specifying the track to which that defendant believes the case should be assigned.

**SELECT ONE OF THE FOLLOWING CASE MANAGEMENT TRACKS:**

- (a) Habeas Corpus – Cases brought under 28 U.S.C. § 2241 through § 2255. ( )
- (b) Social Security – Cases requesting review of a decision of the Secretary of Health and Human Services denying plaintiff Social Security Benefits. ( )
- (c) Arbitration – Cases required to be designated for arbitration under Local Civil Rule 53.2. ( )
- (d) Asbestos – Cases involving claims for personal injury or property damage from exposure to asbestos. ( )
- (e) Special Management – Cases that do not fall into tracks (a) through (d) that are commonly referred to as complex and that need special or intense management by the court. (See reverse side of this form for a detailed explanation of special management cases.) ( )
- (f) Standard Management – Cases that do not fall into any one of the other tracks. (X)

10/31/12  
Date

*Alan E. Denenberg*  
Attorney-at-law

ALAN E. DENENBERG, ESQ.  
Attorney for Plaintiff

(215) 546-1345

Telephone

FAX Number

E-Mail Address

OCT 31 2012

FOR THE EASTERN DISTRICT OF PENNSYLVANIA — DESIGNATION FORM to be used by counsel to indicate the category of the case for the purpose of assignment to appropriate calendar.

Address of Plaintiff: **619 BRIDGE STREET, GRATERFORD, PA. 19426**

Address of Defendant: **15 GREENHILL ROAD, COATESVILLE, PA. 19320**

Place of Accident, Incident or Transaction: **313 W. MARKET STREET, WEST CHESTER, PA. 19382**

(Use Reverse Side For Additional Space)

Does this case involve multidistrict litigation possibilities?

Yes ☐

No ☒

RELATED CASE, IF ANY:

Case Number: \_\_\_\_\_ Judge: \_\_\_\_\_ Date Terminated: \_\_\_\_\_

Civil cases are deemed related when yes is answered to any of the following questions:

1. Is this case related to property included in an earlier numbered suit pending or within one year previously terminated action in this court?  
Yes ☐ No ☒
2. Does this case involve the same issue of fact or grow out of the same transaction as a prior suit pending or within one year previously terminated action in this court?  
Yes ☐ No ☒
3. Does this case involve the validity or infringement of a patent already in suit or any earlier numbered case pending or within one year previously terminated action in this court?  
Yes ☐ No ☒

CIVIL (Place ☒ in ONE CATEGORY ONLY)

A. Federal Question Cases:

- 1 ☐ Indemnity Contract, Marine Contract, and All Other Contracts
- 2 ☐ FELA
- 3 ☐ Jones Act-Personal Injury
- 4 ☐ Antitrust
- 5 ☐ Patent
- 6 ☐ Labor-Management Relations
- 7 ☒ Civil Rights
- 8 ☐ Habeas Corpus
- 9 ☐ Securities Act(s) Cases
- 10 ☐ Social Security Review Cases
- 11 ☐ All other Federal Question Cases  
(Please specify)

B. Diversity Jurisdiction Cases:

- 1 ☐ Insurance Contract and Other Contracts
- 2 ☐ Airplane Personal Injury
- 3 ☐ Assault, Defamation
- 4 ☐ Marine Personal Injury
- 5 ☐ Motor Vehicle Personal Injury
- 6 ☐ Other Personal Injury (Please specify)
- 7 ☐ Products Liability
- 8 ☐ Products Liability — Asbestos
- 9 ☐ All other Diversity Cases  
(Please specify)

ARBITRATION CERTIFICATION

(Check appropriate Category)

**ALAN E. DENENBERG**

☒ Pursuant to Local Civil Rule 53.2, Section 3(c)(2), that to the best of my knowledge and belief, the damages recoverable in this civil action case

exceed the sum of \$150,000.00 exclusive of interest and costs.

☐ Relief other than monetary damages is sought.

DATE: **OCTOBER 31, 2012**

*Alan E. Denenberg*  
Attorney-at-Law

**54161**

Attorney I.D.#

NOTE: A trial de novo will be a trial by jury only if there has been compliance with F.R.C.P. 38.

I certify that, to my knowledge, the within case is not related to any case now pending or within one year previously terminated action in this court except as noted above.

DATE: **OCTOBER 31, 2012**

*Alan E. Denenberg*  
Attorney-at-Law

**54161**

Attorney I.D.#

CIV 609 (2/99)

**OCT 31 2012**

**WY**

1

\$ 350

**ABRAMSON & DENENBERG, P.C.**  
**BY: ALAN E. DENENBERG, ESQUIRE**  
**IDENTIFICATION NUMBER: 54161**  
**1315 WALNUT STREET, 12<sup>TH</sup> FLOOR**  
**PHILADELPHIA, PA 19107**  
**(215) 546-1345**

**ATTORNEY FOR PLAINTIFF**

**FILED**

**OCT 31 2012**

**IN THE UNITED STATES DISTRICT COURT  
 FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**MICHAEL E. KUNZ, Clerk**  
 By 82 Dep. Clerk

**BEVERLY MINTON**  
**619 BRIDGE STREET**  
**GRATERFORD, PA 19426**  
**Plaintiff**

**v.**

**CORPORAL DALE S. GUYER**  
**15 GREENHILL RD.**  
**COATESVILLE, PA 19320**  
**AND**  
**WARDEN D. EDWARD MCFADDEN**  
**501 S. WAWASET RD.**  
**WEST CHESTER, PA 19382**  
**AND**  
**CHESTER COUNTY**  
**313 W. MARKET ST.**  
**P.O. BOX 279**  
**WEST CHESTER, PA 19382**

**CIVIL ACTION**

**No.**

**12 6162**

**JURY TRIAL DEMANDED**

**COMPLAINT**

1. Plaintiff, Beverly Minton, is an adult female and citizen of the Commonwealth, residing as captioned.

2. Defendant, Corporal Dale S. Guyer was at all times material hereto a Correctional Officer at Chester County Prison and is being sued both individually and in his official capacity as a correctional officer and agent and/or employee of Chester County Prison and Defendant, Chester County.

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3. At all material times, defendant, Corporal Guyer, acted within the course and scope of his employment, under the color of state law and pursuant to the customs, policies and practices of Chester County Prison, and the defendants, Warden McFadden and Chester County.

4. Defendant, Warden McFadden, was at all times material hereto the Warden at Chester County Prison who had final decision making authority over all policy and procedure implicated by, and relevant to, the causes of action alleged in Plaintiff's Complaint and was directly responsible for the hiring, training and supervision of Defendant, Corporal Guyer. Defendant, Warden McFadden is being sued in both his individual and official capacities.

5. Defendant, Chester County, is a municipal corporation organized and existing under the laws of the Commonwealth of Pennsylvania, which maintains its principal offices as captioned.

6. This court has jurisdiction over the Federal law claims pursuant to 28 U.S.C. §§1331 and 1343.

7. Venue is proper under 28 U.S.C. §1391(b) because the causes of action upon which the complaint is based arose in and around Chester County, Pennsylvania, which is in the Eastern District of Pennsylvania.

8. Plaintiff, Beverly Minton, was either a pretrial detainee or inmate/prisoner being housed in Chester County Prison.

9. On October 30, 2010, Plaintiff, Beverly Minton, had unwanted sexual intercourse with Defendant, Corporal Guyer, in the basement level of Chester County Prison.

10. Again, on October 31, 2010, Plaintiff, Beverly Minton, had unwanted sexual intercourse with Defendant, Corporal Guyer, in the basement level of Chester County Prison.

11. As a result of the unwanted sexual intercourse with Plaintiff, Defendant, Corporal Guyer, was charged and convicted of Institutional Sexual Assault, and dismissed from his position at Chester County Prison.

12. It is believed, and therefore averred, that Defendant Warden McFadden and/or Chester County knew that Defendant, Corporal Guyer, had engaged in similar conduct with other female pretrial detainees and/or inmates at Chester County Prison and was deliberately indifferent to the risk that Corporal Guyer posed to Plaintiff and other female inmates and that this deliberate indifference was the direct and proximate cause of the Corporal Guyer's sexual assault on the Plaintiff.

13. It is believed and therefore averred that there are other incidences of Institutional Sexual Assault at Chester County Prison by male correctional officers and that Defendant Warden McFadden and/or Chester County knew about these other incidences but failed to adequately train and supervise its male correctional officers regarding the sexual assault of female pretrial detainees/inmates.

14. Plaintiff, Beverly Minton has a right to bodily safety and integrity protected by the Due Process Clause and Equal Protection Clause of the Fourteenth Amendment.

15. Defendant, Corporal Guyer's decision to have unwanted sexual intercourse with the Plaintiff in violation of Pennsylvania Criminal Law was arbitrary and capricious in violation of Plaintiff's rights under the Due Process Clause and Equal Protection Clause of the Fourteenth Amendment of the United States Constitution.

16. Defendant, Corporal Guyer's intentional sexual assault on the Plaintiff was conscience shocking and/or deliberately indifferent to the Plaintiff's rights to bodily integrity by the Due Process Clause and Equal Protection Clause of the Fourteenth Amendment of the United States Constitution.

17. Defendant, Corporal Guyer's sexual assault on the Plaintiff was intentional, malicious and wanton conduct constituting cruel and unusual conduct under the Eight Amendment of the United States Constitution.

18. As a direct and proximate result of the aforementioned acts and conduct of the Defendant, Corporal Guyer, the Plaintiff sustained emotional and psychological injuries; some or all of which the Plaintiffs has been advised may be permanent in nature.

19. As a direct and proximate result of the aforementioned actions of the Defendant, Corporal Guyer, the Plaintiff received physical injuries, including the be forced to have unwanted sex.

20. As a direct and proximate result of the aforementioned actions of the Defendant, Corporal Guyer, the Plaintiff suffered disability, humiliation, loss of reputation, loss of enjoyment of life, mental anguish and emotional distress and will continue to suffer same for an indefinite time in the future to their great detriment and loss.

21. As a direct and proximate result of the aforementioned actions of the Defendant, Corporal Guyer, the Plaintiff has been obliged to and may continue to expend various sums of money and to incur various expenditures for medical treatment for an indefinite period of time in the future, to their great detriment and loss.

**COUNT I--42 U.S.C. § 1983**  
**SUBSTANTIVE DUE PROCESS/EQUAL PROTECTION/EIGHTH AMENDMENT**  
**PLAINTIFF v. CORPORAL GUYER**



22. Paragraphs 1 through 21 are incorporated herein by reference, as though each were fully set forth herein at length.

23. Plaintiff had a substantive due process right and equal protection right to bodily integrity protected by the Due Process Clause and Equal Protection Clause of the Fourteenth Amendment of the United States Constitution.

24. Plaintiff had a right to be free from cruel and unusual punishment under the Eighth Amendment of the United States Constitution.

25. Defendant, Corporal Guyer, took advantage of his position of authority as a correctional officer to intentionally and maliciously engage in unwanted sexual intercourse with the Plaintiff in violation of her rights under the Due Process Clause/Equal Protection Clause of the Fourteenth Amendment and/or the Eight Amendment of the United States Constitution.

26. Defendant, Corporal Guyer's conduct shocks the conscience and was done with deliberate indifference to Plaintiff's Due Process/Equal Protection right to bodily integrity.

27. As a direct and proximate result of the malicious, intentional, and/or reckless actions of the Defendant, Corporal Guyer, the Plaintiff suffered injuries that are described above.

28. The above-described actions of the Defendant, Corporal Guyer, in his individual capacity, was so malicious, intentional and reckless and displayed such a reckless indifference to the Plaintiff's rights and well being, that the imposition of punitive damages is warranted.

**WHEREFORE**, pursuant to 42 U.S.C. §§1983 Plaintiff, Beverly Minton, demands compensatory and punitive damages against Defendant, Corporal Guyer, jointly and/or severally in an amount not in excess of One Hundred Fifty Thousand (\$150,000.00) Dollars, plus interest, costs, attorney's fees and other appropriate relief.



34. The Plaintiff believes and therefore avers that the defendant, Warden McFadden and/or Chester County has adopted and maintained for many years a recognized and accepted policy, custom and/or practice of failing to properly investigate matters in which male correctional officers engaged in unwanted sexual intercourse with female inmates/pretrial detainees such as the Plaintiff, which allows for and results in an encouragement to male correctional officers within the Chester County Prison to continue doing same, and creates policies, practices and/or customs allowing officers to proceed in this manner and creates an atmosphere for the allowance of conduct by members of the Chester County Prison without fear of punishment.

35. By failing to take action to stop or limit the policy and/or by remaining deliberately indifferent to the systematic abuses which occurred in accordance with and as a direct and proximate result of the policy, custom and/or practice, defendant, Warden McFadden and/or Chester County condoned, acquiesced in, participated in and perpetrated the policy, custom and/or practice in violation of the plaintiff's rights under the Eighth and Fourteenth Amendments of the Constitution of the United States.

36. As a direct and proximate result of the malicious, intentional, and/or reckless actions of the defendant, Warden McFadden and/or Chester County, the plaintiff, Beverly Minton, suffered injuries which are described above.

**WHEREFORE**, pursuant to 42 U.S.C. §§ 1983 Plaintiff, Beverly Minton, demands compensatory damages against Defendant, Warden McFadden and/or Chester County, jointly and/or severally in an amount not in excess of One Hundred Fifty Thousand (\$150,000.00) Dollars, plus interest, costs, attorney's fees and other appropriate relief.

RESPECTFULLY SUBMITTED,

BY:   
ALAN DENENBERG, ESQUIRE